

AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1932

Introduced by Assembly Member Davis

February 15, 2000

An act to add Section ~~5402.5~~ 25664.5 to the Business and Professions Code, relating to advertising.

LEGISLATIVE COUNSEL'S DIGEST

AB 1932, as amended, Davis. ~~Outdoor advertising: alcoholic beverage prohibition~~ *Alcoholic beverages: advertisement: prohibition.*

~~(1) The Outdoor Advertising Act regulates the placement of outdoor advertising displays by means of licensing and permits, and places restrictions on location and content.~~

(1) Existing law prohibits the use, in any alcoholic beverage advertisement, of any subject matter, language, or slogan addressed to and intended to encourage minors to drink alcoholic beverages.

This bill would prohibit any person from advertising or causing to be advertised any alcoholic beverage product on an advertising display within 1,000 feet of any child day care facility, elementary school, library, high school, playground, youth center, or building that is used primarily as a place of worship. Because a violation of the act is punishable as a crime, the bill would impose a state-mandated local program by creating new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 5402.5 is added to the Business~~
2 ~~and Professions Code, to read:~~

3 ~~5402.5. (a) For purposes of this section, the following~~
4 ~~terms have the following meanings unless the context in~~
5 ~~which they appear clearly requires otherwise:~~

6 ~~(1) "Alcoholic beverage" has the same meaning as set~~
7 ~~forth in Section 23004.~~

8 ~~(2) "Child day care facility" has the same meaning as~~
9 ~~set forth in Section 1596.750 of the Health and Safety~~
10 ~~Code.~~

11 ~~(3) "Elementary school" has the same meaning as set~~
12 ~~forth in subdivision (e) of Section 60010 of the Education~~
13 ~~Code.~~

14 ~~(4) "High school" has the same meaning as set forth in~~
15 ~~subdivision (g) of Section 60010 of the Education Code.~~

16 ~~(5) "Nonpublic school" has the same meaning as set~~
17 ~~forth in subdivision (i) of Section 60010 of the Education~~
18 ~~Code.~~

19 ~~(6) "Playground" has the same meaning as set forth in~~
20 ~~paragraph (1) of subdivision (e) of Section 11353.1 of the~~
21 ~~Health and Safety Code.~~

22 ~~(7) "Public library" has the same meaning as set forth~~
23 ~~in subdivision (b) of Section 7286.59 of the Revenue and~~
24 ~~Taxation Code.~~

25 ~~(8) "Youth Center" has the same meaning as set forth~~
26 ~~in paragraph (2) of subdivision (e) of Section 11353.1 of~~
27 ~~the Health and Safety Code.~~

28 ~~(b) No person shall advertise or caused to be~~
29 ~~advertised any alcoholic beverage product on any~~

~~advertising display located within 1,000 feet of any child day care facility, elementary school, public library, high school, nonpublic school playground, youth center, or building that is used primarily as a place of worship.~~

~~(e)~~

SECTION 1. Section 25664.5 is added to the Business and Professions Code, to read:

25664.5. (a) The advertisement of any alcoholic beverage on any outdoor billboard located within 1,000 feet of any of the following is prohibited:

(1) Public or private elementary schools, junior high schools, or high schools.

(2) Child day care facilities.

(3) Public libraries.

(4) Public playgrounds.

(5) Youth centers.

(6) Any building that is used primarily as a place of worship.

(b) The distance of 1,000 feet shall be measured in a straight line, without regard to intervening structures, from the nearest point of the advertising structure to the nearest point of the property line of any of the facilities set forth in subdivision (a).

~~(d)~~

(c) This section does not apply where there is a local ordinance or resolution that imposes a complete ban on billboard advertising relating to alcoholic beverages or more restrictive limitations on that advertising than those imposed under this section.

(d) No part of this section shall be construed to prohibit the display of a message or advertisement opposing the use of alcoholic beverage products; however, no part of this subdivision shall be construed to permit an advertisement promoting the use of alcoholic beverage products by including a message opposing the use of alcoholic beverage products within that advertisement.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred

1 by a local agency or school district will be incurred
2 because this act creates a new crime or infraction,
3 eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition
6 of a crime within the meaning of Section 6 of Article
7 XIII B of the California Constitution.

O

